IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11518 of 2004

Between:

Vadla Bheemaiah S/o Venkaiah, Lingampet Mandal,

R/o Polkampet (V), Lingampet (M), Nizamabad District

..... PETITIONER

AND

The Revenue Divisional Officer Kamareddy , Nizamabad District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent herein in issuing the notice No.A5/1160/2004, dt. 23/06/2004 as illegal, arbitrary and violative of principles of natural justice and Art. 14 and 21 of the Constitution of India and consequently set aside the same.

For the Petitioner: MR.T.BHEEMSEN, Advocate

For the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development and with their consent the Writ Petition itself is taken up for final disposal at the admission stage.

The petitioner seeks to declare the action of respondent-Revenue Divisional Officer in issuing the notice, dated 23-06-2004, about convening of meeting in relation to no-confidence motion proposed against the petitioner, as illegal, arbitrary and violative of principles of natural justice and to quash the same.

The petitioner claims that he is elected President of Mandal Praja Parishad, Lingampet Mandal, Nizamabad District. He was served with the impugned notice, dated 23-06-2004 issued by the respondent intimating about convening of meeting on 09-07-2004 in relation to no-confidence motion proposed against him by the MPTC members. According to the petitioner, the provisions under Section 245(1) of A.P. Panchayat Raj Act, 1994 read with Rule 2 of the Rules made thereunder, obligate the MPTC members to submit their notice of intention in Form-II to the Revenue Divisional Officer concerned, who after verifying with the relevant records about the genuineness of the signatures of the members who signed the proposed motion, has to issue notice in Form-V intimating the date of meeting. But, it is alleged, the respondent-Revenue Divisional Officer without verifying the signatures of the members as such, issued the impugned notice, which is illegal and arbitrary. Hence, the writ petition to quash the impugned notice.

Inasmuch as the petitioner disputes about the genuineness of the signatures of the members who signed the proposed motion, he can verify the same personally

at the time when the members are present to exercise their franchise either in favour of the motion or against the motion. Therefore, I see no reason to interfere with the impugned notice.

Accordingly, the writ petition is dismissed. No costs.

N.V. RAMANA, J

Date: 08-07-2004

Svv

To

1. The Revenue Divisional Officer Kamareddy , Nizamabad District

2. Two CCs. to Govt. Pleader for Panchayat Raj and Rural Development,
High Court Buildings, A.P., Hyderabad (OUT)

3. Two CD copies.